

# **EXHIBIT 81**



SPECIAL REPORT

# THE HOMICIDE FILES

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**A** This database contains descriptions of physical and sexual violence.

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- Part 1: [Losing conviction](#)
- Part 2: [One detective, dozens of allegations](#)
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In Philadelphia, 21 people convicted of murder have been exonerated since 2018. But those account for a fraction of cases in which witnesses and defendants made allegations that detectives fabricated statements,

coerced confessions, or engaged in other improper techniques. Some of those allegations were not considered credible by the courts. This database aims to provide context by allowing you to review and filter allegations and learn about some cases in which people have alleged misconduct.

[Learn more about this database](#)

Filter cases by detective, outcome, or allegation

Q

Leon Lubiejewski x

Displaying 3 cases (Clear Tags)

1983

Detective(s) involved

William Shelton

Leon Lubiejewski

Case outcome

Exonerated

Civil Settlement

What’s alleged ⓘ

Detectives allegedly concealed statements pointing to an alternate suspect, causing the wrong man to be imprisoned for 16 years.

Case details

Three men robbed the Ho Sai Gai restaurant in Chinatown and shot one of the owners, Jade Wong. Although as soon as two weeks after the murder there were tips pointing to a different perpetrator, police pursued [Alen Lee based on one witness’s identification](#). Lee was convicted in 1988.

He was exonerated in 2004, after 16 years in prison, after evidence surfaced supporting his innocence — and he obtained information he said showed police had suppressed credible evidence pointing to the real killer. According to a civil lawsuit Lee filed in 2006, that undisclosed evidence included a statement

Allegation(s)

Manipulation/ Destruction of Evidence

Case documents

- [Alen Lee’s civil rights lawsuit](#)
- [City of Philadelphia’s answer](#)

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from an informant identifying the real killer, and an eyewitness who picked the alternate suspect out of a photo array.

The city, in its answer, denied all allegations of wrongdoing. The city later paid \$3 million to settle the case out of court.

Asked about the case, Detective Leon Lubiejewski, who worked the case with Detective William Shelton, called it an instance of eyewitness error, saying that the witness simply could not tell Lee and the other suspect apart.

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**1978**

#### Detective(s) involved

Leon Lubiejewski

Edward Rocks

#### Case outcome

Convicted

#### What's alleged

A murder witness claimed detectives pressured him to give a statement, and an assistant district attorney used threats and bribes to ensure his testimony.

#### Case details

In 1978, Paul Lynch was fatally shot at 60th and Osage Streets in West Philadelphia. Two witnesses identified Aaron “Harun” Fox as the killer. In court filings and interviews, Fox said that he is innocent, and that Philadelphia homicide detectives worked with Assistant District Attorney Roger King to build a false case against him.



Before his arrest, Fox, a former lieutenant in the Nation of Islam, had been under federal investigation for possible Black Mafia

#### Allegation(s)

Threats

Supplying of False Information/Evidence

#### Case documents

-  [U.S. District Court opinion](#)
-  [Warren Robinson's affidavits](#)
-  [Statement by Oseas Doamaral](#)
-  [James Stripling's affidavit](#)
-  [FBI file on Aaron Fox](#)

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on a run to Amoroso's for rolls when the shooting occurred. However, police concluded that he was an "underworld hit man" who killed Lynch because Lynch was trying to push drug dealers off of the block.

Two witnesses, Harry Carey-El and Warren Robinson, both identified Fox as the killer. However, Robinson later said in two affidavits that he had lied. He explained that he was drunk and high when he agreed to the statement, that he had been threatened by Lynch's friends, and that the detectives also pushed him to identify Fox. He alleged that King promised to help him with his parole violator status if he testified against Fox, and arranged for him to be released without bail on a rape case. "He gave me a lecture on the Black Mafia, and told me what they might do if I didn't come to court. He also gave me 5 or 6 vouchers to sign to be paid for missing work. I never had a job." He said King "groomed and schooled" him before the trial, and afterward gave him \$30 or \$40, telling him, "This one's on me."

Three people who said they witnessed the shooting said Fox was not the perpetrator. One, James Stripling, identified a different man as Lynch's killer. In an interview, Stripling said he was talking with the man when Lynch walked up. The two got into an argument and then the man shot Lynch,

Stripling said. He said he fled the scene, and the area, because he was facing his own legal troubles — and came forward when he learned decades later that Fox was wrongly convicted of the murder.

Detective Leon Lubiejewski, who investigated the case with Detective Ed Rocks, said in an interview that he stands by the case, and that the evidence of Fox's guilt was overwhelming. At Fox's most recent hearing, Lubiejewski presented a binder of evidence that he said showed that Fox and Stripling were both in the Black Mafia hierarchy. A Philadelphia Common Pleas judge agreed, and appellate courts have affirmed Fox's conviction.

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1976	Detective(s) involved		Case outcome
	Ernest Gilbert	Lawrence Gerrard	Convicted
	Leon Lubiejewski	William Shelton	
	John Cimino	James McNesby	

### What's alleged

Two jailhouse informants alleged detectives and prosecutors threatened to frame them, instructed them to fabricate statements, and rewarded their false testimony with sexual favors and lenient sentences.

### Case details

In 1976, a shooting at a pool room in North Philadelphia left Joseph Hollis dead and a second man, John Pickens, wounded. Years later, police concluded that the incident was a peace meeting between two rival drug

### Allegation(s)

Threats

Supplying of False Information/Evidence

### Case documents

gangs that ended with gunfire by William Franklin, who they said managed the pool room, and Major Tillery, who they said was a drug kingpin. Franklin was tried in 1980 and Tillery in 1984. Both were convicted and sentenced to life terms for murder. Both maintain that they are innocent.

Pickens had initially given a statement identifying the shooters as “Ricky” and “Dave.” However, that lead did not result in any arrests, and he was not called to testify.

Investigators instead built their case on a serial informant, Emanuel “Manny” Claitt, who had been arrested for numerous felony charges when he agreed to give information on a number of cases. Claitt, who testified against both men, recanted in 2016.

“I lied when I testified that Major Tillery and William Franklin were in the pool hall and shot Hollis and Pickens,” he said in a sworn affidavit filed in court and [on video](#). He said his testimony was made up by Homicide Detectives Lawrence Gerrard and Ernest Gilbert and Lt. Bill Shelton, and he was promised he could avoid state prison time. “I was threatened that I would get maximum prison time if I didn’t cooperate,” he said, adding that Shelton threatened to frame him for murder when he tried to recant. He said the detectives, with knowledge of the prosecutors, “threatened me and allowed me private time for sex with girlfriends in homicide interview rooms and hotel rooms.”

The Police Administration Building visitor logs document at least one of those visits.

[Philadelphia Police Administration Building logs](#)

[Major Tillery’s petition with affidavit](#)

[Bobby Mickens](#)

[Philadelphia DA’s answer](#)

[Prosecutors’ letters in support of Claitt](#)

[Claitt’s sentencing transcript](#)

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And letters from prosecutors and transcripts of their testimony at Claitt's sentencing hearings confirm he was indeed a valued informant. After Franklin was convicted and before Tillery's trial, one prosecutor told a judge: "We had no hard evidence to present to a court until Mr. Claitt made his statements."

Claitt, who has since died, also said in his sworn affidavit that he had been tasked by detectives (he didn't specify which ones) with recruiting another jailhouse informant, Bobby Mickens. Claitt said: "I was put in a police van to ride along with Mickens back and forth from Homicide to the county prisons up on State Road to make it clear to Mickens that he really had no choice except to testify against Major Tillery."

Mickens gave a statement corroborating that claim, saying he had been in jail on rape charges when he was placed in the van with Claitt, who told him he was "hemmed up" and had to cooperate. He said Detectives John Cimino and James McNesby crafted a false statement, and later arranged for him to have a private visit with his girlfriend in an interview room, and after testifying he received five years' probation instead of a threatened long prison term.

The District Attorney's Office, in a filing opposing a petition by Tillery, called all of the allegations raised by Claitt and Mickens obvious lies fabricated by career criminals. The DA said that the testimony the two men gave at Tillery's trial had the clear ring of



truth. As for Franklin, his case has been in Philadelphia Common Pleas Court for evidentiary hearings that included testimony by Mickens. The outcome of those proceedings remains pending.

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### About this database

These case studies include information about murder investigations by the Philadelphia Police Department Homicide Unit in which people made allegations of official misconduct.

Some detectives are included because they conducted an interview or testified in regard to a case. Others were named in a lawsuit, or were specifically alleged to have used an investigation or interrogation tactic that could increase the risk of a wrongful conviction. As explained in the case summaries, only certain of the detectives mentioned in the database have been accused of misconduct.

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